5-638582
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
-----X
MAERSK LINE.

Plaintiff,

- against -

WIT, INC., and BORIS KHURGIN,

Defendants.



Plaintiff MAERSK LINE, by its attorneys, LAW OFFISES OF ALBERT J. AVALLONE & ASSOCIATES, as and for its Complaint against defendants WIT, INC., and BORIS KHURGIN, in personam, in a cause of action civil and maritime, alleges upon information and belief:

- This is an admiralty and maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure, and the Ocean Shipping Reform Act of 1999, 46 U.S.C., App. Section 1701, et seq.
- At all times hereinafter mentioned, plaintiff MAERSK LINE was and still is a corporation duly organized and existing under the laws of the State of Delaware with offices and a place of business at 6000 Carnegie Blvd., Charlotte, NC 28209.
- Upon information and belief and at all times hereinafter mentioned, defendants had and now have the legal status and place of business as set forth in Schedule A.
- 4. On or about the dates and at the ports of shipment stated in Schedule A, certain goods were delivered to plaintiff to be carried to the port of destination and at the agreed charges to be paid by defendants pursuant to plaintiff's published tariff, all as set forth in Schedule A.
- Thereafter, the goods were carried to the port of destination and delivered to the consignee and/or its agents.

6 Plaintiff has performed all duties and obligations required to be Case 1:08-cv-04965-RJS Document 1 Filed 05/29/2008 Page 2 of 4 performed by plaintiff.

Defendants have falled and refused and continue to fail and refuse to remit payment of \$18,566.00, although duly demanded.

 By reason of the foregoing, plaintiff has sustained damages in the amount of \$18,566.00 which, although duly demanded, have not been paid.

WHEREFORE, plaintiff prays:

- For judgment in the amount of plaintiff's damages, together with interest thereon, costs, disbursements and a reasonable attorney's fee.
- That process in due form of law according to the practice of this
 Court in cases of admiralty and maritime jurisdiction may issue against the defendants
 citing them to appear and answer all the singular matters aforesaid.
- That plaintiff have such other and further relief in the premises as in law and justice it may be entitled to receive.

Dated: New York, New York May 28, 2008

> LAW OFFICES OF ALBERT J. AVALLONE & ASSOCIATES

By.

Albert J. Avallone - AA1679

Attorneys for Plaintiff MAERSK LINE

551 Fifth Avenue, Suite 1625

New York, NY 10176

(212) 696-1760

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- Defendants' status & address;
- A. Upon information and belief and at all times hereinafter mentioned, defendant WIT, INC, was and still is a non-incorporated company doing business in the State of New York, with offices and a place of business at 175 West 87th. Street, #SC, New York, NY 10024.
- B. Upon information and belief and at all times hereinafter mentioned, defendant BORIS KHURGIN was and still is a natural person and resident of the State of New York, doing business as WIT, INC., 175 West 87th Street, #5C, New York, NY 10024.
- II. Details of shipment(s):
- Bill of Lading No. MAEU851979468, dated December 13, 2006, from Mishwaka, IN to Tblisi on the Vessel MAERSK NEVADA, two (2) containers SAID TO CONTAIN: PET FOOD, at the applicable tariff charge of \$18,566.00 (Exhibit A).

Amount Paid: S0 Amount Due: \$18,586.00

III. Total Amount Due: \$18,566.00

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